

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MDL No. 2672 CRB (JSC)

IN RE: VOLKSWAGEN “CLEAN DIESEL”  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

**PRETRIAL ORDER NO. 5: NOTICE OF  
INTENT TO APPOINT ROBERT S.  
MUELLER, III AS SETTLEMENT  
MASTER**

This Order Relates To:

ALL ACTIONS

As the Court noted at the initial status conference, there is an urgent need to determine if all or some of the pending matters can be resolved by the parties sooner rather than later. To that end, the Court invited the parties to suggest persons to be appointed by the Court to facilitate settlement discussions among the parties. Pretrial Order No. 1 (Dkt. No. 2). The Court has carefully reviewed the suggestions, and after given the issue considerable thought, gives notice of its intent to appoint **Robert S. Mueller, III** as settlement master.<sup>1</sup>

Mr. Mueller served as the sixth Director of the FBI from September 2001 through 2013. He was nominated by President George W. Bush, and his initial ten-year term was extended for an additional two years at the request of President Barack Obama and pursuant to congressional legislation. He is currently a partner at WilmerHale in Washington, D.C. Mr. Mueller’s biography is attached to this Order as Exhibit A.

<sup>1</sup> The Court will not appoint Mr. Mueller to perform any adjudicatory functions, or to even advise the Court on such matters; accordingly, the Court does not intend to appoint him pursuant to Federal Rule of Civil Procedure 53. Attached to this Order as Exhibit B is a letter from Mr. Mueller agreeing to serve as settlement master and explaining his law firm’s Volkswagen-related engagements. The Court does not believe that any of these engagements make Mr. Mueller’s appointment to facilitate settlement discussions inappropriate.

1 The Court has known Mr. Mueller professionally for more than 40 years, beginning with  
2 his service as an Assistant United States Attorney in the Northern District of California, and  
3 including his tenure as the United States Attorney for the Northern District of California from  
4 1998 through 2001. There are few, if any, people with more integrity, good judgment, and  
5 relevant experience than Mr. Mueller. Mr. Mueller will not adjudicate, or assist the Court with  
6 adjudicating, any issues in these consolidated proceedings; rather, his role will be to use his  
7 considerable experience and judgment to facilitate settlement discussions among the various  
8 parties in these complex matters. His government and private practice experience makes him  
9 uniquely qualified to work with and earn the trust of the parties, including the consumer and car  
10 dealer plaintiffs, the United States government, the Volkswagen defendants, and the interested  
11 state governments.

12 The Court shall give the parties an opportunity to respond to the Court's suggestion of the  
13 appointment of Mr. Mueller. Any responses shall be filed on or before noon on **January 15, 2016**  
14 and shall not exceed three pages.

15 **IT IS SO ORDERED.**

16 Dated: January 11, 2016



CHARLES R. BREYER  
United States District Judge